

\_\_\_\_\_  
(full name/prisoner number)

\_\_\_\_\_

\_\_\_\_\_  
(complete mailing address)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
\_\_\_\_\_ DIVISION**

\_\_\_\_\_

Plaintiff,

vs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant(s).

Case No. \_\_\_\_\_  
(to be assigned by Court)

**PRISONER CIVIL RIGHTS  
COMPLAINT: ACCESS TO COURTS**

Jury Trial Requested:    \_\_\_ Yes    \_\_\_ No

**JURISDICTION**

The United States District Court for the District of Montana has jurisdiction over my claims because they arise under a federal statute or the federal Constitution.

**PLAINTIFF**

My name is \_\_\_\_\_. I am a citizen of the State of \_\_\_\_\_,  
presently residing at \_\_\_\_\_.

**First Amendment Access to Courts Claim**

**DEFENDANT’S NAME and TITLE (one only)** \_\_\_\_\_

**DEFENDANT’S EMPLOYER and WORKPLACE** \_\_\_\_\_

*There are two ways to state a First Amendment claim for denial of access to the courts. **First, if you are currently being prevented from filing a case**, you will need to allege facts supporting two elements: **(1)** that you possess an arguable or nonfrivolous underlying claim; and **(2)** that you are currently prevented from having a meaningful opportunity to pursue that claim. Christopher v. Harbury, 536 U.S. 403, 413 (2002).*

***Second, if you were prevented from filing a case in the past**, you must allege facts supporting three elements: **(1)** that official acts frustrated your litigation; **(2)** the loss of a “nonfrivolous” or “arguable” underlying claim that is set forth in the Complaint, including the level of detail necessary “as if it were being independently pursued”; and **(3)** specific allegations showing that the remedy you seek in the access to courts claim is not otherwise available in a suit that you could bring in the future. Christopher, 536 U.S. at 416.*

*The rest of this complaint form contains boxes for your answers. If you need more space, please attach an additional page or pages and write the question number(s) to which you are responding. Fill out all questions to the best of your ability. If you do not know or do not have the information you need to answer the question, state that and then move on to the next question.*

*If you name more than one Defendant, then you will need to copy and fill out pages with questions that ask for specific information about a particular Defendant. For example, if you name three Defendants, then fill out the questions that ask about the role and/or conduct of a specific Defendant a total of three times (once per Defendant).*

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1. On this date \_\_\_\_\_, at this place \_\_\_\_\_,  
I had the following underlying legal claim that I desired to pursue:

2. **If you are currently being prevented from filing a case:** This Defendant is acting or refusing to act in these ways to prevent me from filing or pursuing my claims (go to question 4):

3. **If you were prevented from filing a case in the past:** This Defendant acted or refused to act in these ways to prevent me from filing or pursuing my claims:

- 4.
- a. **For current claims:** These are the reasons why my underlying legal claim is a good claim, meaning it is not frivolous or can be successful, or
  - b. **For past claims:** These are the reasons why my underlying legal claim was a good claim, meaning it was not frivolous or could have been successful:

5. If I could pursue my underlying claim, I would include these facts and claims for relief in the complaint for that claim:

6. This is a brief list of the evidence (witnesses and documents) I know of or possess that I intend to present at trial and a brief explanation of what each proves:

7. These are the remedies I was seeking in my underlying claim:

[Empty text box for remedies]

8. These are the injuries I suffered by not being able to bring my underlying claim:

[Empty text box for injuries]

9. **For past claims:** These are the reasons why I am not able to continue to pursue my lost underlying claim in another court action (including state court), and this is what I did to try to pursue the claim:

10. **If this is a claim against prison officials:** On these dates, \_\_\_\_\_, this is what I did to exhaust my administrative remedies to bring this claim to the attention of supervisors or authorities before I included this claim in a federal civil rights lawsuit, and I am attaching the grievance forms and grievance appeals to this document, or explaining why I have not used the grievance process or attached the forms:

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury that I am the Plaintiff in this action; that I have read this Complaint; that the information contained in this Complaint is true and correct (28 U.S.C. § 1746; 18 U.S.C. § 1621); and that this Complaint was placed in the prison mailing system or handed to the prison legal resource personnel for e-filing on \_\_\_\_\_.  
(month, date, year)

\_\_\_\_\_  
(signature of Plaintiff)

**Forms for related claims (available in PDF format from District Court website):**

- Retaliation claim